

REMARKS

This application has been carefully reviewed in light of the final Office Action dated February 1, 2005. Claims 1 to 7 and 10 to 18 are pending in the application, and Claims 1 to 7 and 10 to 16 have been amended. Claims 1 and 10 to 14 are in independent form. Reconsideration and further examination are respectfully requested.

Turning first to a procedural matter, there is a discrepancy in the Office Action, in that the cover sheet indicates that the action is final, whereas page 4 indicates that the action is non-final. On a February 2005 telephonic interview, Applicants' representative telephoned the Examiner to inform him of this discrepancy. In response, the Examiner stated that if this discrepancy was mentioned in the response to the Office Action, he may withdraw the finality of the action. Accordingly, Applicants respectfully request that this action be made non-final.

Turning to the merits of the Office Action, Claims 1 to 7 and 10 to 18 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,631,356 (Van Horn) in view of U.S. Patent No. 6,269,343 (Pallakoff). Reconsideration and withdrawal are respectfully requested.

The present invention generally concerns the purchase of a product by a group, in which a request for a group purchase indicating a product to be purchased is received. A purchase state is stored for satisfying a condition of the group purchase, wherein the purchase state corresponds to an ID uniquely corresponding to the group purchase. The purchase state is updated when a purchase of the product indicated in the group purchase is performed. According to one feature of the invention, after a passage of a time period included in the condition, a special favor is given based on whether the

purchase state, which corresponds to the ID uniquely corresponding to the group purchase, satisfies the condition of the group purchase.

Referring specifically to the claims, independent Claim 1 as amended is directed to a purchase group management server connectable with at least one terminal through a network. The purchase group management server comprises receiving means for receiving, from the terminal operated by a purchaser, a request for a group purchase indicating a product to be purchased. The purchase group management server also comprises notifying means for notifying the terminal of an ID uniquely corresponding to the group purchase, and storage means for storing a purchase state for satisfying a condition of the group purchase, wherein the purchase state corresponds to the ID. In addition, the purchase group management server comprises update means for updating the purchase state stored in the storage means when a purchase of the product indicated in the group purchase is performed using the ID by another purchaser, and control means for giving a special favor to the purchasers on the basis of the purchase state stored in the storage means. After a passage of a time period included in the condition, the control means gives the special favor to the purchasers if the purchase state stored in the storage means satisfies the condition of the group purchase, and does not give the special favor to the purchaser if the purchase state does not satisfy the condition of the group purchase.

Independent Claim 10 as amended is directed to a terminal connected through a network with a purchase group management server. The network with a purchase group management server comprises receiving means for receiving a request for a group purchase from the terminal operated by a purchaser, notifying means for notifying the terminal of an ID uniquely corresponding to the group purchase, and storage means for

storing a purchase state for satisfying a condition of the group purchase, wherein the purchase state corresponds to the ID. The network with a purchase group management server also comprises update means for updating the purchase state stored in the storage means when a purchase of a product indicated in the group purchase is performed using the given ID by another purchaser, and control means for giving a special favor to the purchasers on the basis of the purchase state stored in the storage means. The terminal is used for, in case a group purchase is requested to the purchase group management server, notifying the purchase group management server of the request for the group purchase including purchase conditions including at least the name and the number of products to be purchased. In addition, after a passage of a time period included in the condition, the control means gives the special favor to the purchasers if the purchase state stored in the storage means satisfies the condition of the group purchase, and does not give the special favor to the purchaser if the purchase state does not satisfy the condition of the group purchase.

Independent Claim 11 as amended is directed to a group purchase method. The method comprises the steps of receiving a request for the group purchase from a terminal having an ID in case a request for the group purchase indicating a product to be purchased is made, and notifying the terminal having the ID uniquely corresponding to the group purchase in case the request for the group purchase is received. The method also comprises the steps of storing a purchase state for satisfying a condition of the group purchase, wherein the purchase state corresponds to the ID, and updating the purchase state stored in the step of storing a purchase state in case a purchase of the product indicated in the group purchase is performed using the ID by a purchaser. In addition, the method

comprises the step of giving a special favor to the purchaser on the basis of the purchase state stored in the step of storing a purchase state. After a passage of a time period included in the condition, the special favor is given to the purchaser in the step of giving the special favor if the purchase state stored in the step of storing a purchase state satisfies the condition of the group purchase, and the special favor is not given to the purchaser if the purchase state does not satisfy the condition of the group purchase.

In a similar manner independent Claims 12, 13 and 14 as amended are respectively directed to a program, a recording medium and a selling system.

The applied art is not seen to disclose or to suggest the features of the invention of the subject application. In particular, the Van Horn and Pallakoff patents are not seen to disclose or suggest at least the feature that, after a passage of a time period included in a condition of a group purchase, a special favor is given based on whether a purchase state, which corresponds to an ID uniquely corresponding to the group purchase, satisfies the condition of the group purchase.

As understood by Applicant, Van Horn discloses an online buying group ("co-op") that is formed for the specific purpose of purchasing a particular product by defining a start and end time, critical mass, minimum and maximum number of units offered, starting price and product cost curve. As data is gathered, the co-op is modified using a pricing tool, so as to take into account for this market data in the definition of the price curve. A buyer chooses a product co-op of interest, and is presented with co-op information including current price, closing time, and next price level sufficient to entice the buyer to make an offer. A buyer can make an offer at the current price, or at a lower

price range that can be accepted only if the co-op price drops to that level. See Van Horn, Abstract; column 6, line 65 to column 8, line 27.

Although Van Horn may be seen to teach the purchase of a product by a buying group, it is not seen to disclose or suggest that a special favor is given based on whether a condition of a group purchase is satisfied. Accordingly, Van Horn is not seen to disclose or suggest that after a passage of a time period included in a condition of a group purchase, a special favor is given based on whether a purchase state, which corresponds to an ID uniquely corresponding to the group purchase, satisfies the condition of the group purchase.

Pallakoff is not seen to compensate for the deficiencies of Van Horn. As understood by Applicants, Pallakoff discloses a method and system that allows sellers to communicate conditional offers to potential buyers. The conditions include prices that depend on the aggregate amount of goods or services that buyers collectively agree to purchase by a given time and date. See Pallakoff, Abstract; column 1, lines 53 to 67.

Although Pallakoff may be seen to teach the use of conditional offers based on an aggregate amount of a collective purchase, it is not seen to disclose or suggest that an ID uniquely corresponds to the group purchase, muchless that a purchase state corresponding to the ID serves as a basis for whether a special favor is given. Accordingly, Pallakoff is not seen to disclose or suggest that after a passage of a time period included in a condition of a group purchase, a special favor is given based on whether a purchase state, which corresponds to an ID uniquely corresponding to the group purchase, satisfies the condition of the group purchase.

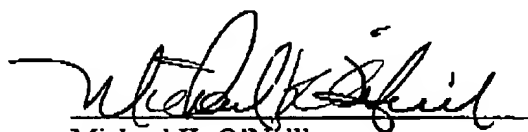
Accordingly, based on the foregoing amendments and remarks, independent Claims 1 and 10 to 14 as amended are believed to be allowable over the applied references.

The other claims in the application are each dependent from the independent claims and are believed to be allowable over the applied references for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

No other matters being raised, it is believed that the entire application is fully in condition for allowance, and such action is courteously solicited.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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